

REMARKS

This is in response to the Office Action of May 13, 2010. Applicant gratefully acknowledges the Examiner's indication that this application claims allowable subject matter. Claim 1 is amended without change of scope to address various objections and formal rejections in the Office Action. Thus, this is a non-narrowing amendment. No new matter has been added by way of this Amendment. Claims 1, 4, 6, and 7 remain pending in this application.

DRAWINGS

Objection was raised to the drawings as allegedly not showing the feature "sealing elements" recited in the claims. Applicant respectfully submits that the drawings show that feature of the claims, as element 16 in Figure 1. The claim language in question is "sealing elements between the cap and the bottle." The specification teaches in lines 19-22 on page 3 that "The dispensing cap described in the application has ... a sealing stub entering the mouth of bottle and elastically seating from inside to it." The specification teaches in the paragraph bridging pages 4-5 of the specification "A sealing stub 16 being projection of the disc 101 closing the cylindrical wall 14 seats tightly to the neck of bottle from inside" and that "The mounting part 1 is rigidly fixed and positioned on the neck of bottle by ... the sealing stub 16." Thus, withdrawal of the objection to the drawings is in order and is earnestly solicited.

OBJECTIONS TO CLAIMS

At the top of page 3 of the Office Action, the Examiner kindly suggests various linguistic improvements for claim 1. The improvements suggested by the Examiner have been made, thereby obviating the objections.

OBJECTION TO ABSTRACT

The required new Abstract is supplied hereinabove.

REJECTIONS UNDER 35 U.S.C. 112

Claims 1, 4, 6, and 7 were rejected under the second paragraph of 35 U.S.C. 112 as failing to define the invention properly, due to insufficient antecedent basis for certain language in the claims. Office Action, page 3. Claim 1 has been amended to obviate the lack of antecedent basis. Withdrawal of this ground of rejection is in order and is earnestly solicited.

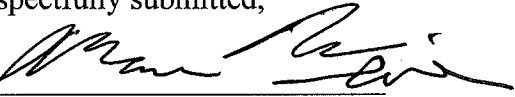
CONTACT INFORMATION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher (Reg. No. 28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: August 13, 2010

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant